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Attorneys for Defendant, John H. Klein

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ALOIS RUPP and KRISTEN FERRARA,

Plaintiffs,

v.

JOHN H. KLEIN and CAMBRIDGE
THERAPEUTIC TECHNOLOGIES,

Defendants.

HON. JOHN MICHAEL VAZQUEZ

Case No. 2:17-CV-10055-JMV-SCM

**AFFIDAVIT OF JASON N.
SILBERBERG, ESQ. IN SUPPORT OF
MOTION FOR LEAVE TO WITHDRAW
AS COUNSEL FOR DEFENDANT**

I, JASON N. SILBERBERG, ESQ., hereby declare and certify as follows:

1. I am an associate with the law firm of FRIER LEVITT, currently counsel for Defendant John H. Klein, and make this affidavit in support of FRIER LEVITT's Motion for Leave to Withdraw as Counsel for Defendant.
2. At the outset of this litigation, Counsel was hired to represent both Defendants John Klein and Cambridge Therapeutic Technologies.
3. To that end, this firm filed for extensions of time by which to respond to the Complaint filed in the case, but has not drafted any pleadings of substance which are now before this Court.
4. Very recently, counsel for Defendant was apprised that a potential conflict between Cambridge Therapeutic Technologies and John Klein had arisen, such that the Rules of Professional

Conduct prohibit this firm's continued representation of either Cambridge Therapeutic Technologies or John Klein.

5. Counsel advised Mr. Klein of this potential conflict on January 3, 2018.

6. Counsel filed a motion on January 5, 2018 seeking a 30-day extension of time to answer, move, or otherwise respond to Plaintiff's complaint in an effort to, among other things, obtain time for Mr. Klein to secure new counsel.

7. On January 11, 2018, Counsel for Mr. Klein advised him definitively that it could not represent his interests in the above-captioned matter.

8. Counsel was expecting a substitution of attorney form to be filed in this matter as to the representation of Mr. Klein.

9. Mr. Klein is aware of Counsel's efforts/intent to withdraw and has expressed no objections thereto.

10. As such form has not yet been filed, Counsel hereby respectfully submits that it should be granted leave to withdraw as counsel for Plaintiff.

11. No brief need be filed in support of this Motion as the reasons for the relief requested are sufficiently set forth herein.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of law that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully Submitted,

FRIER & LEVITT, LLC

BY: /s/ Jason N. Silberberg
Jason N. Silberberg

Dated: January 26, 2018

CERTIFICATION OF SERVICE

I hereby certify that on the below date, Plaintiff caused to be served the foregoing document by way of electronic filing via this Court's CM/ECF system and certified mail to:

Lawrence T. Lowen, Esq.
Lawrence T. Lowen, P.C. Attorneys at Law
2 Executive Drive, Suite 465
Fort Lee, NJ 07024
Attorney for Plaintiffs

Ryan O'Neill, Esq.
Riker Danzig Scherer Hyland & Perretti, LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962-1981
Attorney for Defendant, Cambridge Therapeutic Technologies

I further certify that on the below date, Plaintiff caused to be served the foregoing document by way of certified mail to:

Hon. John Michael Vazquez, U.S.D.J.
Martin Luther King Building & Courthouse
50 Walnut Street, Room 4015
Newark, NJ 07101

FRIER & LEVITT, LLC

/s/ Jason N. Silberberg
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Attorneys for Defendant, John Klein

Dated: January 26, 2018